

REMARKS

Telephone Interview Summary

On December 16, Applicant's representative conducted a telephone interview with Examiner Pats and Supervisory Examiner Boyce to discuss the present application. A proposed amendment was submitted to Examiner Pats in advance of the telephone interview. Applicant's representative appreciated the opportunity to discuss the present application.

In the interview, Applicant's representative provided background information regarding the claimed invention and explained that in prior art methods and systems, selection of a candidate for an open position starts with a job posting that provides detailed job requirements. Individuals interested in the position apply for the job by responding to the posting. They then complete a selection process that involves a number of "hurdles" that they must overcome. The competition for the opening starts over at each hurdle and candidates are eliminated at each stage. The candidate that successfully clears all of the hurdles is hired. Applicant's representative explained that the claimed invention is directed to developing a pool of candidates for expatriate assignments before any specific assignments are identified, and then selecting candidates from the pool of candidates when specific assignments are identified. Development plans are created for candidates that are selected for the pool. Candidates may complete activities in their respective development plans until they are selected for a specific assignment. The invention allows a company to maintain a

qualified group individuals from which to choose when specific assignments are identified.

The Examiners suggested amending the claims to more clearly emphasize the unique features of the invention. Issues regarding the § 101 rejections were also discussed. The Examiners stated that claim amendments directed to the use of a computer in the claimed method and system were likely to overcome the § 101 rejections. No agreement regarding the claims was reached.

Amendments to the Specification

Applicant has amended the specification to include information regarding a computer system from U.S. Application Serial No. 10/113,342, filed March 29, 2002 entitled "INTEGRATED HUMAN RESOURCE MANAGEMENT SYSTEM" which was incorporated by reference into the present application at the time of filing. Applicant is including from U.S. Application Serial No. 10/113,342 Figure 2 which illustrates the use of a computer to access various databases and software subsystems relevant to the claimed invention as well as Paragraphs [0024]-[0026] and Table 3 which provide details regarding the computer, databases, and software subsystems shown in Figure 2 of U.S. Application Serial No. 10/113,342. Applicant respectfully submits that the amendments to the specification incorporate information and technical details previously disclosed in U.S. Application Serial No. 10/113,342 and therefore, no new matter has been added.

Claim Rejections – 35 USC § 101

The Examiner has rejected claims 1-19 under 35 USC § 101 because they are alleged to fail to meet the legal requirements of a 'process.' In particular, the Examiner states that the claimed process must be tied to another statutory class. Applicant has amended the claims to indicate that the claimed process involves a machine--namely, a computer. Applicant respectfully submits the claims as amended overcome the rejection. Support for the claims as amended is found in at least Paragraphs 15-22 which indicate that a software package may be used to collect and analyze data relevant to whether a candidate will fit a particular job. Support for the claims as amended is also found in the Amendments to the Specification which are based on U.S. Application Serial No. 10/113,342, filed March 29, 2002 entitled "INTEGRATED HUMAN RESOURCE MANAGEMENT SYSTEM" which was incorporated by reference into the present application at the time of filing. No new matter has been added as a result of the amendments to the specification.

Claim Rejections – 35 USC § 103

The Examiner has rejected claims 1-13 under 35 UCS § 103(a) as being unpatentable over Harvey (*The Selection of Managers for Foreign Assignments; A Planning Perspective*, The Columbia Journal of World Business) and US Pat. Pub. No. 2001/0034630 (Mayer). The Examiner states that Harvey teaches every claim limitation except for providing associates with information regarding expatriate assignments prior

to their identification as candidates. It is the Examiner's position Mayer teaches this aspect of the claimed invention and that it would be obvious to modify Harvey to include the teaching of Mayer because the claimed invention is a combination of old elements and in the combination, each element performs the same function it did separately and the results of the combination are predictable.

Applicant has amended the claims to indicate more clearly that the present invention is directed to a system for identifying and maintaining a group of expatriate candidates for expatriate assignments and selecting candidates from the group of expatriate candidates when specific assignments related to the expatriate assignments are identified. Applicant has further amended the claims to indicate that preview information provided to associates comprises information about the organization and career progression as well as job description information for a plurality of expatriate assignments. In view of Applicant's amended claims, Applicant respectfully traverses the rejections.

Harvey is directed to selection of candidates for international assignments. Harvey teaches grouping candidates into "homogeneous" pools, analyzing vacant positions, and finding the best candidates for the vacant positions. (P. 108: Col. 3). In depth analysis of candidates occurs during a "tactical level of the selection process." (P. 109: Col. 1). The selection process in Harvey involves assessing "individual candidates to identify those who have the optimum personal skills and attributes to fulfill the requirements of the position." (P. 111: Col. 2-3). Harvey teaches identification of a

specific assignment and then assessing individuals to find the person who has the “optimum personal skills and attributes” for the specified assignment.

Applicant’s claims as amended indicate that in the claimed invention, candidates for expatriate assignments are assessed, added to a pool of expatriate candidates based on the results of their assessments, and then selected for specific assignments as the specific assignments are identified. Claim 1 further indicates that candidates review preview information and agree to be considered for possible assignments and that they participate in a development phase as well as an assessment phase prior to being selected for a specific assignment. Applicant respectfully submits that because Harvey fails to teach candidate participation in assessments prior to being selected for a candidate pool, development of a candidate pool, candidate participation in a development phase prior to the identification of specific assignments, and selection of candidates from the candidate pool for specific assignments, Harvey cannot support rejection of the claims. Harvey also fails to teach providing candidates with preview information related to a plurality of expatriate assignments.

Mayer fails to make up for the deficiencies of Harvey. Mayer teaches a “job positions” database comprising job and candidate profiles. Mayer teaches the ability of a candidate to review specific information for open positions. The information is not preview information for a plurality of assignments. In Mayer, employers are also provided with the ability to review information about candidates that may be selected for an open position. In either case, it is a specific opening at an organization that causes a candidate or employer to search the database. Applicant respectfully disagrees that it

teaches providing associates with information regarding expatriate assignments prior to their identification as candidate. As in Harvey, Mayer teaches sharing of information during the selection process. In fact, Mayer is directed only to the selection process. Therefore, Mayer adds nothing to the teachings of Harvey which also focuses on the selection process. Applicant has amended claim 1 to indicate more clearly that the information shared with candidates prior to their addition to the expatriate pool relates to preview information that provides information not only about expatriate assignments but also the organization and career progression related to expatriate assignments. The preview information allows candidates to decide whether they want to be considered for specific assignments before the specific assignments have been identified.

Applicant respectfully submits the prior art references cited by the Examiner are both directed to a selection process that is started with the identification of a specific job opening. Neither Harvey nor Mayer teach or even suggest assessing candidates to create a pool of candidates, providing development plans for the candidates, and then selecting candidates from the pool when specific assignments are identified.

Conclusion

Applicant has amended claims to distinguish the claimed expatriate associate selection process over the Harvey and Mayer references. Applicant respectfully

submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

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